



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU GRANTS ADVANCED WIRELESS SERVICE LICENSES

AUCTION EVENT NO. 66

On September 18, 2006, the Wireless Telecommunications Bureau ("Bureau") completed an auction of Advanced Wireless Service ("AWS") licenses ("Auction No. 66"), in which the winning bidders won a total of 1,087 licenses.¹ In two separate notices, the Bureau announced that, based upon a preliminary review of the long-form applications, it was accepting for filing the applications for the winning bidders in Auction No. 66.² Upon further review and examination, the applications listed in Attachment A have been found to be complete and in conformance with the Commission's rules.³

¹ See Auction of Advanced Wireless Services Closes: Winning Bidders Announced for Auction 66, Report No. AUC-06-66-F, *Public Notice*, 21 FCC Rcd 10521 (WTB 2006) ("Closing PN"). In Auction 66, the Commission made available 1,122 AWS licenses in the 1710-1755 MHz and 2110-2155 MHz bands ("AWS-1").

² See Wireless Telecommunications Bureau Announces that Applications for Advanced Wireless Services Are Accepted for Filing, *Public Notice*, 21 FCC Rcd 12005 (WTB 2006) and Wireless Telecommunications Bureau Announces that an Application for Advanced Wireless Services Is Accepted for Filing, *Public Notice*, 21 FCC Rcd 13033 (WTB 2006). Pursuant to these two notices, all of the winning bidders' applications have been accepted for filing. See also Wireless Telecommunications Bureau Grants Advanced Wireless Service Licenses, *Public Notice*, 21 FCC Rcd 13883 (WTB 2006); Wireless Telecommunications Bureau Grants Advanced Wireless Service Licenses, *Public Notice*, 21 FCC Rcd 14563 (WTB 2006); Wireless Telecommunications Bureau Grants Advanced Wireless Service Licenses, *Public Notice*, 22 FCC Rcd 1260 (WTB 2007); Wireless Telecommunications Bureau Grants Advanced Wireless Service Licenses, *Public Notice*, 22 FCC Rcd 3906 (WTB 2007).

³ We note that while Innovative Communications Corporation's ("Innovative") short-form application was pending, certain of its controlling interests filed for Chapter 11 bankruptcy protection, thereby resulting in an involuntary transfer of control under the Commission's rules and necessitating that the applicant inform the Commission. See *In Re WorldCom, Inc. and Its Subsidiaries (Debtors-in-Possession), Transferor, and MCI, Inc., Transferee, Memorandum Opinion and Order*, 18 FCC Rcd 26484, 26485 at ¶ 3 (2003); *In Re Application to Assign License from Alpine-Fresno C, LLC, Debtor-in-Possession, to Cricket Licensee (Reauction), Inc., Order*, 20 FCC Rcd 8862, 8862-63 at ¶ 2 (WTB 2005); 47 C.F.R. § 1.948(c)(2) & (g). Although Innovative disclosed its ownership interests before and after the Chapter 11 bankruptcy in its long-form application (Form 601), it failed to properly amend its Form 175 to reflect this transfer. Innovative subsequently filed a series of Form 603s seeking Commission consideration of the aforementioned involuntary transfers of control with respect to other licenses.

We remind applicants that sections 1.65 and 1.2105(b) of the Commission's rules require the continuing accuracy and completeness of information furnished in a pending application, and that failure to comply with the Commission's rules can result in enforcement action under certain circumstances. 47 C.F.R. §§ 1.65 and 1.2105(b). However, we determine that the involuntary transfer of control resulting from the bankruptcy filing does not

Furthermore, the Commission has received full and timely payment as required by section 1.2109(a) of the Commission's rules, for the licenses listed in Attachment A,⁴ and there are no petitions to deny or other requests pending that would prevent grant of the licenses.

Accordingly, by this Public Notice, we announce the grant of the licenses listed in Attachment A. We grant these licenses pursuant to Section 309(a) of the Communications Act, 47 U.S.C. § 309(a), and section 0.331 of the Commission's rules, 47 C.F.R. § 0.331, because it will serve the public interest, convenience, and necessity.

This Public Notice contains the following Attachments:

Attachment A: List of Applications the Wireless Telecommunications Bureau Is Granting – Sorted by Applicant.

Attachment A1: List of Applications the Wireless Telecommunications Bureau Is Granting – Sorted by Market and Channel Block.

Attachment B: Instructions for Searching for the Underlying Applications for Licensees Listed in Attachment A Using ULS.

Attachment C: Instructions for Searching for Granted Licenses Listed in Attachment A Using ULS.

For further information, the news media should contact Chelsea Fallon, Wireless Telecommunications Bureau, at (202) 418-7991. For questions regarding legal matters, contact John Spencer or Mary Woytek, Wireless Telecommunications Bureau, Broadband Division, at (202) 418-2487; for licensing matters, contact Beth Fishel, Wireless Telecommunications Bureau, Broadband Division, at (717) 338-2649.

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constitute a substantial change in ownership and control such that there would be a major amendment under section 1.929(a)(2) that would be prohibited by section 1.2105(b)(2) of the Commission rules. *See* Letter from Margaret W. Wiener, Chief, Auctions and Spectrum Access Division to Delaney M. DiStephano, Esq., counsel to Anderson Communications, Inc., 19 FCC Rcd 2691 (2004) (amendment of short-form application permitted where applicant reported an involuntary transfer of control, due to the death of a controlling interest). In addition, in granting Innovative the AWS-1 licenses listed on Attachment A to this Public Notice, the Bureau is not taking action on the transfer of control applications, and the grant is without prejudice to the outcome of the pending transfer of control applications.

⁴ By Public Notice, auction winners were directed to pay the balance of their winning bids in a lump sum by October 19, 2006; or by November 2, 2006, accompanied by a five percent late fee. *See Closing PN* at 2.